



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

WJ

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|-------------|----------------------|---------------------|--------------------------------|--|
| 10/051,380 | 01/18/2002 | Johann Lahr | 56/368 | 6998 | |
| 757 | 7590 | 01/08/2004 | | | |
| BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611 | | | | EXAMINER GUADALUPE, YARITZA | |
| | | | ART UNIT 2859 | PAPER NUMBER | |

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|----|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/051,380 | LAHR, JOHANN | |
| | Examiner | Art Unit | MW |
| | Yaritza Guadalupe | 2859 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3/20/2003. 6) Other: _____

DETAILED ACTION

In response to Amendment filed October 20, 2003

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 18 are rejected under 35 U.S.C. 102 (e) as being anticipated by Meyer (US 6,601,307).

Meyer discloses a measuring device comprising a rotor fastened to a shaft (5) that rotates about an axis of rotation, a scanning unit (See Column 2, lines 65 – 67) spaced from said rotor and attached to a stator (3), and a base (20). Meyer also discloses a coupling (2) connected to the base and the stator of an angle measuring system for permitting radial and axial compensating movements of said stator with respect to the base and said axis of rotation, said coupling produced in one piece as a punched and bent element and being fastened by screws. Meyer further discloses a first and second stops 6, 7, 8, 9) to limit the radial and axial

movements being defined at least in part by a first and a second screw projecting into an opening of the stator and / or base, and also discloses projecting strips wherein a coupling is screwed, and wherein said first stop at the base is defined by a screw projecting / projecting strip into an opening of said base (See Columns 3 and 4, lines 15 – 45 and 6 – 53 respectively).

Meyer further discloses said first and second stops at said base and stator being defined by the first and second crews projecting into an elongated opening of the base and stator. Meyer also discloses the axial and radial compensating movement performed in at least two directions, perpendicular and parallel to one another (See Columns 3 and 4, lines 15 – 45 and 6 – 53 respectively).

Response to Arguments

3. Applicant's arguments, see pages 6 – 7 of Applicant remarks, filed October 20, 2003, with respect to the rejection(s) of claim(s) 1 - 12 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Meyer (US 6,601,307).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe. The examiner can be reached at telephone number (703)305 -5676 until February 10, 2004, and after said date at telephone number (571) 272-2244. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Yaritza Guadalupe
Patent Examiner
Art Unit 2859
December 19, 2003

S. Bradley Bennett
G. BRADLEY BENNETT
PRIMARY EXAMINER
AV 2859